

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 07-10-16C

BUILDING CODE ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS AMENDING ORDINANCE NO. ORD 06-04-18E, BUILDING CODE ORDINANCE, ADOPTED APRIL 18, 2006, TO ADD AUTHORITY TO ISSUE BUILDING PERMITS AND CONDUCT INSPECTIONS IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) BY AMENDING THE ORDINANCE TITLE TO INCLUDE THE ETJ, BY ADDING TWO NEW WHEREAS CLAUSES, BY AMENDING SECTION 1.2, PURPOSE; SECTION 1.3, APPLICATION; THE DEFINITION OF CITY, SECTION 4.1, PERMIT APPLICATION REQUIREMENTS AND EXHIBIT "1"; AND PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Horseshoe Bay (City Council) seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council finds that poorly constructed or maintained buildings constitute a nuisance and threat to the public health, safety and welfare; and

WHEREAS, the City Council seeks to protect the citizens of Horseshoe Bay from conditions hazardous to life or property in the occupancy of buildings and premises; and

WHEREAS, the City Council finds it to be in the best interest of the public to provide for a building codes governing and regulating residential and nonresidential buildings and structures within the City of Horseshoe Bay (City); and

WHEREAS, the City Council is authorized to regulate construction and prohibit nuisances pursuant to the City's general police powers and Texas Local Government Code Chapters 51, 54 and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the City Council is authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of the codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. ENACTMENT

(a) Ordinance No. 06-04-18E, Building Code Ordinance, Code Adopted, the Preamble Section is hereby amended so as to read as follows:

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS ESTABLISHING A PROCEDURE FOR THE ISSUANCE OF BUILDING PERMITS REQUIRED BEFORE ANY CONSTRUCTION ACTIVITY MAY BE UNDERTAKEN ON REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE CITY OF HORSESHOE BAY; AND ITS EXTRATERRITORIAL JURISDICTION (ETJ); PROVIDING REQUIREMENTS FOR THE PERIODIC INSPECTION OF CONSTRUCTION; PROVIDING FOR BUILDING STANDARDS FOR CONSTRUCTION; PROVIDING STANDARDS FOR BUILDER'S CONDUCT DURING CONSTRUCTION; PROVIDING FOR FEES AND DEPOSITS; PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE INCLUDING A FINE NOT TO EXCEED \$500.00 AND A CIVIL PENALTY NOT TO EXCEED \$250.00 PER OFFENSE AND OTHER RELIEF; PROVIDING DEFINITIONS; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL OR ITS DESIGNEE; PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR CERTAIN RELATED MATTERS

(b) Ordinance No. 06-04-18E, Building Code Ordinance, Code Adopted, WHEREAS SECTION is hereby amended by adding the following as the last:

WHEREAS, the City of Horseshoe Bay has entered into Agreements with Llano County and Burnet County regarding authority for Subdivision and other regulatory permits, in the City's ETJ;

(c) Ordinance No. 06-04-18E, Building Code Ordinance, Section 1.2 Purpose, Code Adopted, is hereby deleted and replaced with the following:

1.2. Purpose This Chapter is enacted so that the City Council may promote the public health, safety, morals and general welfare of the City through the reasonable regulation of construction activities in the City, and its ETJ. It is in the best interest of the citizens of the City of Horseshoe Bay and the owners of real property located within its boundaries, that any new construction be of high quality, and be conducted in a manner as to not cause damage, inconvenience or nuisance to the residents and property owners in its vicinity.

(d) Ordinance No. 06-04-18E, Building Code Ordinance, Section 1.3 Application, Code Adopted, is hereby deleted and replaced with the following:

1.3. Application The provisions of this Chapter shall apply within the City Limits (i.e., incorporated municipal boundary) of the City, and its ETJ.

(e) Ordinance No. 06-04-18E, Building Code Ordinance, Section 2.2 Definitions, Code Adopted, is hereby amended to delete the current definition of City and replace it with the following:

City: shall mean the City of Horseshoe Bay, Texas, and its ETJ and includes any designee who is appointed by the City Council to carry out the City's function.

(f) Ordinance No. 06-04-18E, Building Code Ordinance, Section 2.2 Definitions, Code Adopted, is hereby amended to add the following:

ETJ: shall mean the City of Horseshoe Bay's Extraterritorial Jurisdiction, as described in the Agreements with Llano County and Burnet County, dated January 23, 2007 and May 25, 2007, respectively.

(g) Ordinance No. 06-04-18E, Building Code Ordinance, Section 4.1 Permit Application Requirements, (a), Code Adopted, is hereby deleted and replaced with the following:

(a) Evidence that the Site is a part of a Plat that has been approved by either Llano or Burnet Counties or by the city after September 20, 2005.

(h) Ordinance No. 06-04-18E, Building Code Ordinance, Section 4.1 Permit Application Requirements, (b), Code Adopted, is hereby deleted and replaced with the following:

(b) For City Zones 1-11, three (3) sets of plans that have been submitted to and approved by the architectural control committee or person so designated in the respective Zone indicating the plans comply with the restrictive covenants for the subdivisions where the Site is located. For City Zones 12-18, which includes the Centex Agreement Property, Skywater, and the Resort Agreement Property, three (3) sets of plans must be submitted to the City Council or its designee to determine that such plans are in compliance with relevant agreements and for prior approval before a permit shall be issued.

(i) Ordinance No. 06-04-18E, Building Code Ordinance, Exhibit "1", Code Adopted, is hereby deleted and replaced with the following:

Exhibit "1"

EXISTING SUBDIVISIONS

ZONE

- | | |
|----|--|
| 1 | Applehead Island Subdivision |
| 2 | Applehead Subdivision |
| 3 | Horseshoe Bay West Subdivision |
| 4 | Horseshoe Bay, Horseshoe Bay North & Horseshoe Bay South Subdivision |
| 5 | Bay Country Subdivision |
| 6 | Pecan Creek Subdivision |
| 7 | Peninsula Subdivision |
| 8 | Matern Island Subdivision |
| 9 | Escondido Subdivision |
| 10 | Siena Creek Subdivision |
| 11 | Trails Subdivision |
| 12 | Skywater |

NON-SUBDIVISION PROPERTY

- | | |
|-------|---|
| 13-16 | Resort Agreement Property |
| 17 | Centex Agreement Property |
| 18 | Real property within the City, and its ETJ, but not included in other Zones |

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ADOPTED AND APPROVED on this 16th day of October, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

Attest:

/S/

Toni Vanderburg, City Secretary